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EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/847,072

Applicant(s)

THAKKER, KAUSHAL

Examiner

James D Ewart

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,-3-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Response to Arguments*

1. Objection to the drawing are withdrawn.
2. Objections to claims 1 and 8 are withdrawn.
3. The applicant's arguments regarding prior art rejections, filed 04 February 2004, have been fully considered by the Examiner, but they are not deemed to be persuasive.
4. Regarding Applicant's argument that the applicant's invention does not require an HLR in the IP network and that Gremmelmaier includes an HLR in the IP network, examiner agrees. However this is not a limitation of any claim. Applicant uses the Network Access Controller to register the mobile terminal with the IP network and also updates the HLR of the PLMN (0024) using standard registration procedures of the PLMN (0008). Gremmelmaier states in Column 4, Lines 45-52 that "The PLMN-gateway 109 assumes the transmission of signal reports from the public mobile radio network 107 (FIG. 1) into the IP-network 101 or the reverse, in particular for the HLR 109a, wherein the updating of location specific and other subscriber data (what is referred to as "location update") between the IP-network and the public network is enabled."
5. Regarding the use of the H.323 Internet protocol standard and location specific services, Gremmelmaier shows the use of an H.323 client in figure 5 and states in Column 4, Line 67 to Column 5, Line 1 that "The MPS can support corresponding protocol specific adaptations at these interfaces". Regarding location specific services provided by the (SN), examiner equates

location specific services with data or cell phone service. Examiner has also included Hollenberg and Richton as additional references that include location-based services.

6. Regarding the PLMN and IP network providing services in a common service area, Gremmelmaier teaches roaming between the IP network and the PLMN (Column 1, Lines 40-45). Examiner interprets this as similar to handoff in which cells overlap and this overlapping area is what Examiner considers the common area. Further, figure 5 is a company IP-network which would be quite small in comparison with a PLMN and would be inside the PLMN service area.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 – 16 and 18 - 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Gremmelmaier (US Patent No. 6,308,267).

Referring to claim 1, Gremmelmaier teaches a method of providing services to a mobile terminal within a common service area (Figure 1; 109) serviced by both a Public Land Mobile

Network (PLMN) and an Internet Protocol (IP) network (Figure 1), comprising the steps of: responsive to a request for service from the mobile terminal, registering the mobile terminal with the PLMN home location register (HLR) via an IP network radio base station (Column3, Lines 32-37 and Column 4, Lines 46-52) layer for providing wireless services associated with the common area (Column 1, Lines 42-45 and Figures 1& 5); and providing requested service to the mobile terminal upon confirmation from the wireless network of eligibility for the requested service (Column 4, Lines 18-29).

Referring to claim 3, Gremmelmaier further teaches the step of the mobile terminal performing a location update with the IP network utilizing the IP network radio base station (Column 4, Lines 35-42 & 46-52).

Referring to claim 4, Gremmelmaier further teaches the step of the IP network registering the mobile terminal with the wireless network (Column 4, Lines 45-52)

Referring to claim 5, Gremmelmaier further teaches the step of the IP network registering the mobile terminal in an IP Network Mobile Services Center/Visitor Location Register (MSC/VLR) (Column 4, Lines 46-52).

Referring to claim 6, Gremmelmaier further teaches the step of the IP network MSC/VLR connecting with the PLMN HLR for registering the mobile terminal (Column 4, Lines 45-52 and Figure 1; 105).

Referring to claim 7, Gremmelmaier further teaches the step of wireless HLR providing the list of services associated with the common area to the IP network MSC/VLR, for which the mobile terminal is eligible (Column 4, Lines 30-33 & 45-52)

Referring to claim 8, Gremmelmaier teaches a telecommunications system for providing wireless services to a mobile terminal within a common service area (Column 1, Lines 40-45) serviced by both a Public Land Mobile Network (PLMN) and an Internet Protocol (IP) network comprising (Figure 1): the Public Land Mobile Network (PLMN) configured to provide wireless service to mobile terminals throughout a specified service area (Figure 1; 107); the Internet Protocol network adapted to provide service to the mobile terminal within the common service area (Column 4, Lines 18-22) wherein said IP network comprises: a radio base station (RBS) connected to a home location register in said PLMN (Figure 1) via an IP network base station controller (Figure 1; 115), network access controller (Column 2, Lines 5-6), and a H.323 gatekeeper/service node (SN) (Column 2, Lines 5-6), all located in the shared service; and an interface for operably coupling the Internet Protocol (IP) network to the the PLMN (Figure 1; 109); wherein said IP network is configured to detect service requests from mobile terminals associated with the PLMN and wherein said SN is further configured to provide services associated with said common service area to said mobile terminals (Column 1, Lines 54-62, Column 3, Lines 23-30 and Figure 1; 105). The radio access network of the IP network has more than one BTS. Thus functions of a base station controller are provided.

Referring to claim 9, Gremmelmaier further teaches wherein the IP network utilizes H.323 protocol (Figure 5; 403).

Referring to claim 10, Gremmelmaier further teaches wherein the PLMN is a Global System for Mobile communication (GSM) network (Column 3, Lines 20-22 and Column 4, Lines 3-4).

Referring to claim 11, Gremmelmaier further teaches wherein the RBS is configured to provide an air interface to mobile terminals of the PLMN (Column 3, Lines 19-30 and Column 4, Lines 3-11).

Referring to claim 12, Gremmelmaier further teaches wherein the Network Access Controller (NAC) (Column 2, Line 5) is configured to provide the functions of a Mobile Switching Center/Visitor Location Register (Column 2, Lines 5-18) enabling registration of mobile terminals with a PLMN home location register (HLR) and H.323 procedures towards the H.323 Service node.

Referring to claim 13, Gremmelmaier further teaches wherein said H.323 (Figure 5 and Column 4, Lines 67 to Column 5, Line 1) gatekeeper and Service Node (SN) includes a service layer for providing location specific services to mobile terminals, said location specific services related to said shared service area (Column 4, Lines 18-20, 30-33 & 45-52; 1-13, 35-45). Examiner equates location specific services with data or cell phone service.

Referring to claim 14, Gremmelmaier further teaches wherein said IP network comprises a Radio Network Server configured to provide the base station controller functions of a PLMN within said shared service area (Figure 1; 115). The radio access network of the IP network has more than one BTS. Thus functions of a base station controller are provided.

Referring to claim 15, Gremmelmaier further teaches an Internet Protocol (IP) network supporting the provision of site specific services to mobile terminals, in a service area that is common to the IP network and a Public Land Mobile Network (PLMN) (Figure 1 and Column 1, Lines 38-45) comprising: a Radio Base Station (RBS) providing an air interface for coupling a mobile terminal associated with the PLMN to the IP network (Figure 1); a Network Access Controller (NAC) (Column 2, Line 5) coupled with the RBS and configured to provide the functions of a Mobile Switching Center/Visitor Location Register (MSC/VLR) (Column2, Lines 5-18), wherein said NAC registers the mobile terminal, in the common service area, with the home location register (HLR) in the PLMN (Column 4, Lines 45-52) and towards the H.323 Service Node using standard H.323 admission control procedures (Figure 5, & Column 4, Line 67 to Column 5, Line 1); and a H.323 gatekeeper/service node (SN) configured to provide location specific services to said mobile terminal (Figure 1 and Column 4, Lines 18-28, 30-33 & 45-52), said location specific services related to the common service area shared by both said PLMN and said IP network (Figure 1; 109). Examiner equates location specific services with data or cell phone service.



Referring to claim 16, Gremmelmaier further teaches wherein the RBS further comprises a Base Transceiver Station (BTS) (Figure 1; 115).

Referring to claim 17, Gremmelmaier further teaches wherein the RBS further comprises an Abis Gateway (AGW) (Column 3, Lines 23-26 and Figure 1; 105).

Referring to claim 18, Gremmelmaier further teaches a Media and Signaling Gateway (MSGW) operably coupled to the NAC (Figure 1; 109).

Referring to claim 19, Gremmelmaier further teaches wherein the IP network supports H.323 protocol (Figure 5; 403).

Referring to claim 20, Gremmelmaier further teaches wherein the PLMN is a Global System for Mobile communication systems (GSM) network (Column 3, Lines 20-22 and Column 4, Lines 3-4).

Referring to claim 21, Gremmelmaier further teaches wherein the IP network is configured to emulate a PLMN base station compatible with the mobile terminal (Figure 1; 105).

Referring to claim 22, Gremmelmaier further teaches wherein the IP network emulates a mobile switch compatible with the PLMN (Figure 1).

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Berglund et al. U.S. Patent Publication No. 2002/0032030 discloses communication system.

Feltner et al. U.S. Patent No. 6,515,997 discloses method and system for automatic configuration of a gateway translation function.

Hollenberg U.S. Patent No. 6,091,956 discloses situation information system.

Richton U.S. Patent No. 6,650,902 discloses method and apparatus for wireless telecommunications system that provides location-based information delivery to a wireless mobile unit.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Application/Control Number: 09/847,072


Art Unit: 2683

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703)308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

  
Ewart  
March 4, 2004

  
WILLIAM TROST  
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